



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

*RECEIVED* MAR 16 2010

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

EPA Region 5 Records Ctr.



356987

Joseph J. Piscazzi, Trustee  
Joseph J. Piscazzi Revocable Trust  
2860 Marcia Boulevard  
Cuyahoga Falls, Ohio 44223

RE: Cleveland Trencher Site  
20100 St. Clair Ave.  
Euclid, Cuyahoga County, Ohio  
General Notice of Potential Liability

Dear Mr. Piscazzi:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a Site Health and Safety Plan to include a perimeter air sampling plan and measures to control asbestos-containing material (ACM) during the cleanup;
2. Secure the site, to include additional fencing and locks as necessary;

3. Perform extent-of-contamination investigations to determine what material must be disposed of as ACM debris;
4. Excavate, load, transport, and dispose of all identified ACM debris, or contaminants, at an U.S. EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR §300.440);
5. Evaluate drums and tanks on site for contents of hazardous substances, and dispose of the material at an U.S. EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR §300.440);
6. Evaluate site soils for contamination and dispose of any contaminated soils at an U.S. EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR §300.440);
7. Backfill any excavation areas as needed to ensure public safety.
8. Stabilize the remaining material to ensure no off-site migration of contaminants; and
9. Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

U.S. EPA has received information that your organization may own or operate the facility, have owned or operated the facility at the time of disposal of hazardous substances, arranged for disposal or treatment of hazardous substances at the facility, or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Carol Ropski  
U.S. EPA - Region 5  
Emergency Enforcement Services Section SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

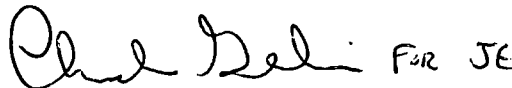
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Kevin Chow of the U.S. EPA Office of Regional Counsel at (312) 353-6181.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jason El-Zein". To the right of the signature, the initials "FJR JE" are handwritten.

Jason El-Zein, Chief  
Emergency Response Branch #1

Enclosure

**LIST OF PRPs SENT GENERAL NOTICE LETTER**

Metin Aydin, President  
Cleveland Trencher Company  
c/o Pauline Aydin  
7100 Whipple Avenue, N.W.  
North Canton, Ohio 44720

Joseph J. Pisazzi, Trustee  
Joseph J. Piscazzi Revocable Trust  
2860 Marcia Boulevard  
Cuyahoga Falls, Ohio 44223